IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 12238 of 1994

Between:

1 R.Bhaskar Rao
2 R.Ravi S/o.R.Bhaskar Rao
R/o.Vizag.
3 R.Radha W/o.M.Rajender Rao
R/o. Vizianagaram Dist.

..... PETITIONERS

AND

1 Govt.of A.P., Social Welfare Dept
Secretariat Hyderabad.
2 The Dist.Collector & Magistrate
Vizianagaram.
3 The Revenue Divisional Officer
Vizianagaram.
4 Mandal Revenue Officer
Vizianagaram Dist.
5 The Superintendent of Post Office
Vizianagaram.
6 The Member Audit Board & Ex-Officio Director Commercial Audit
Saifabad Hyderabad.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or order or direction more particularly one in the nature of Writ of Mandamus declaring the R.C.No.2081/90/C7, dated 7-5-94 of the second respondent as illegal, arbitrary, void and violative of Article-14 and 21 of the Constitution of India, if necessary after striking down the G.O.Ms.No.282, Social Welfare (J) Dept, dated 19-12-88 of the first respondent.

Counsel for the Petitioner: MR.D.V.NAGARJUNA BABU

Counsel for the Respondent No.1: GP FOR SOCIAL WELFARE

Counsel for respondents 2 to 4: G.P. for Revenue

Counsel for Respondent No.5: Sri A.Rajasekhara Reddy, Standing Counsel for the Central Government

Counsel for Respondent No.6: Sri G.Parameswara Rao, Standing Counsel

The Court made the following :

ORAL ORDER:

This writ petition is filed questioning the orders of the District Collector and District Magistrate, Vizianagaram cancelling the caste certificate issued earlier to the petitioners.

Now in view of the provisions under the Andhra Pradesh (SC, ST & BCs) Regulation of Issuance of Community Certificates Act, 1983, there is an effective alternative remedy of appeal to the Government against the orders of the District Collector under Section 7 of the Act.

As much as the petitioner is raising some factual disputes, it is a proper case where he can avail the remedy of appeal before the appellate authority. Further, on filing of the writ petition, this court granted interim suspension of the impugned order and the said orders continued all along.

In that view of the matter, without going into the merits of the case I dispose of the writ petition permitting the petitioner to avail the remedy of appeal before the government within a period of six weeks from the date of receipt of a copy of this order. On filing such appeal, the Government shall entertain the same without reference the limitation and consider the same on its own merits, as expeditiously as possible. As much as interim order is there suspending the order passed by the District Collector, the impugned order remains suspended, till disposal of the appeal by the Government. It is made clear that if the appeal is not filed within the stipulated as indicated above, it is open for the respondents to initiate action in accordance with law. No costs.

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8-12-2004

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To:

1 Secretary, Social Welfare Dept , Government of A.P.
Secretariat, Hyderabad.
2 The Dist. Collector & Magistrate
Vizianagaram.
3 The Revenue Divisional Officer
Vizianagaram.
4 Mandal Revenue Officer
Vizianagaram Dist.
5 The Superintendent of Post Office
Vizianagaram.
6 The Member Audit Board & Ex-Officio Director Commercial Audit
Saifabad Hyderabad.

7. Two C.Cs. to G.P. for Social Welfare, High Court of A.P., Hyderabad.

8. Two C.D. copies